

Message Text

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ORIGIN L-03

INFO OCT-01 EA-10 ISO-00 DODE-00 SSO-00 NSCE-00 INRE-00
SS-15 PM-05 SP-02 INR-07 CIAE-00 /043 R

DRJAFTED BY L/EA:SAORLINS:EGVERVILLE:MAD
APPROVED BY EA:RBOAKLEY
DOD/ISA - P. BARRINGER
EA/PHL - K. BLEAKLEY
L/T - A. ROVINE

-----037236 300340Z /61

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FM SECSTATE WASHDC
TO AMEMBASSY MANILA IMMEDIATE

S E C R E T STATE 310049

E.O. 11652: GDS

TAGS: MARR, RP

SUBJECT: BASE NEGOTIATIONS: MEMORANDA OF UNDERSTANDING
AND CIRCULAR 175 AUTHORITY

REF: MANILA 18264

1. CIRCULAR 175 AUTHORITY DATED APRIL 5, 1976, AND SIGNED
BY THE UNDER SECRETARY FOR POLITICAL AFFAIRS ALLOWS THE
AMBASSADOR TO NEGOTIATE AN AGREEMENT AMENDING OR REPLACING
THE MBA. THE FINAL TEXT, HOWEVER, MUST BE APPROVED BY L, PM
AND DOD. ACCORDINGLY, ANY AGREEMENT (MOU, EXCHANGE OF NOTES
ETC.) CAN ONLY BE INITIALED AD REFERENDUM AND SUBMITTED TO
THE DEPARTMENT FOR FINAL APPROVAL TO SIGN.

2. ALTHOUGH THE CIRCULAR 175 ONLY AUTHORIZES THE NEGOTIA-
TION OF AN AGREEMENT TO REPLACE OR AMEND THE MBA, WE INTER-
PRET THIS TO AUTHORIZE THE NEGOTIATION OF ANY NUMBER OF
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AGREEMENTS AS LONG AS THEY ARE AIMED AT AMENDING OR REPLACING
THE MBA. THEREFORE, NEGOTIATION AND SIGNATURE OF MOUS IN THIS
CONTEXT ARE PERMISSIBLE UNDER THE TERMS OF THE CIRCULAR 175.

3. AS YOU POINT OUT, A MOU OR SIMILAR DEVICE COULD BE USED
AS AN EFFECTIVE TOOL TO NAIL DOWN AGREEMENTS IN PRINCIPLE AT
A HIGHER LEVEL BEFORE ATTEMPTING TO NEGOTIATE THEIR

IMPLEMENTATION AT A

LOWER LEVEL. NEVERTHELESS, WE NEED TO CONSIDER CAREFULLY WHAT STATUS ANY DOCUMENTS INITIALED BY YOU AND MARCOS WOULD HAVE AND WHAT RELATIONSHIP THEY WOULD BEAR TO THE CURRENT BASE AGREEMENT AND THE FUTURE BASE AGREEMENT WHICH WE HOPE TO CONCLUDE. FOR EXAMPLE, WOULD THEY BE BINDING INTERNATIONAL AGREEMENTS SENT TO THE CONGRESS UNDER THE CASE ACT COVERING SPECIFIC ASPECTS OF BASE AGREEMENTS ON AN AD HOC BASIS, OR ARE THEY MERELY STATEMENTS OF YOUR AND MARCOS' INTENTIONS AS TO WHAT THE NEW BASE AGREEMENT PROVISIONS WOULD PROVIDE AND SERVE AS AGREED INSTRUCTIONS TO YOUR RESPECTIVE NEGOTIATORS WHO WILL WORK OUT THE ACTUAL AGREEMENT? IF THEY ARE TO BE BINDING INTERNATIONAL AGREEMENTS, WOULD THEY BE AMENDMENTS TO THE CURRENT BASE AGREEMENTS? HOW WOULD THEY OPERATE IN PRACTICE? WOULD THEY GO OUT OF EXISTENCE WHEN THE ACTUAL NEW BASE AGREEMENT IS SIGNED? WE WILL NEED TO CONSIDER THESE QUESTIONS CAREFULLY AS WELL AS THE QUESTION OF HOW THIS SERIES OF AD HOC BINDING AGREEMENTS MIGHT BE VIEWED BY THE CONGRESS, WHICH NO DOUBT EXPECTS TO SEE A COMPOSITE AGREEMENT AT SOME POINT. THEREFORE, WHILE WE AGREE THAT YOU AND MARCOS SHOULD ATTEMPT TO REACH SOME UNDERSTANDING AS TO WHAT OUR TWO GOVERNMENTS AT THE HIGHEST LEVEL WISH THE NEW BASE AGREEMENT TO PROVIDE, THE PREFERRED FORM AND CONTENT OF THESE DOCUMENTS HAS NOT YET BEEN DECIDED HERE. WE SEEK YOUR VIEWS ON THESE QUESTIONS AND WOULD, OF COURSE WISH TO REVIEW IN WASHINGTON.

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TON PRIOR TO ITS INITIALING ANY PROPOSED DOCUMENT WHICH YOU AND MARCOS WOULD INITIAL. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 30-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE310049
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780002-0709
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
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Legacy Key: link1977/newtext/t1977123/aaaaacfb.tel
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Litigation Code IDs:
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Litigation History:
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Original Classification: SECRET
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: n/a
Reference: 77 MANILA 18264
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 24-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 154555
Secure: OPEN
Status: NATIVE
Subject: BASE NEGOTIATIONS: MEMORANDA OF UNDERSTANDING AND CIRCULAR 175 AUTHORITY
TAGS: MARR, RP
To: MANILA
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/6a3149fe-c188-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009